IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE: **ELISA ZAYAS ZAYAS** Debtor	CASE No.: 15-07825 (ESL) CHAPTER 13
MONEY EXPRESS Movant	(X) 11 U.S.C. §1307(c)(1) and (6), on *Dismissal for cause*

MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now **MONEY EXPRESS** through its undersigning attorney and very respectfully ALLEGES, STATES and PRAYS:

1. The case of reference was filed on October 5, 2015. The plan dated December 22, 2015 (docket no. 13) was confirmed on April 7, 2016 (docket no. 24).

2. Movant filed an unsecured proof of claim in the amount of $4,411.11 regarding account no. 5249, identified as no. 2 at Claims' Register.

3. Debtor failed to comply with payments under the terms of the confirmed plan. According to the records made available by the Trustee, **as of December 28, 2016 Debtor owes $350.00, equivalent to two (2) months**. (See *Attachment "A"*.) [Movant's analysis on payments has been included with this motion as *Attachment "B"*.] Said failure constitutes sufficient cause to request the dismissal of the instant case under the provisions of section 1307(c) of the Bankruptcy Code (11 U.S.C.).

4. Pursuant to the *Service Members Civil Relief Act*, the data of the Department of the Defense Manpower Data Center confirms that debtor is not a member of the Uniformed Services (U.S. Armed Forces, Navy, Marine Corps, Air Force, NOAA, Public Health or Coast Guard.) (See *Attachment "C"*.)

5. For the above stated reasons, Movant respectfully requests from this Court to enter an order dismissing the instant case *for cause*, pursuant to the dispositions of 11 U.S.C. §1307(c)(6), on the grounds of *material default by the debtor to the terms of the confirmed plan*

and 11 U.S.C. §1307(c)(1) for *unreasonable delay by the debtor that is prejudicial to creditors.*

NOTICE

Within thirty (30) days after service as evidenced by the certification and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this motion has been served or any other party to the action who objects to the relief sought herein, shall file and serve an objection or other appropriate response to this motion with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, this motion will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law, (2) the requested relief is against public policy or (iii) in the opinion of the Court, the interest of justice requires otherwise. (Local Bankruptcy Rule 9013-1(c)(2)(F)).

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 29th day of December, 2016.

CERTIFICATE OF SERVICE

I hereby certify that a copy was served by CM/ECF at the authorized address to: all creditors; Alejandro Oliveras Rivera, Esq., Chapter 13 Trustee; Roberto Figueroa Carrasquillo, Esq., counsel for debtor, and to debtor by regular mail to the address of record: HC-20 Box 26375, SAN LORENZO, P.R. 00754, as per the attached *List of Creditors*.

//s// Maricarmen Colón Díaz
MARICARMEN COLON DIAZ, Esq.
Attorney for Movant - USDC 211410
MARIA M. BENABE RIVERA - USDC 208906
P.O. Box 9146, Santurce, P.R. 00908-0146
Centro de Servicios al Consumidor (248)
1130 Muñoz Rivera Ave., San Juan, P.R.
Tel. (787) 729-8135 / Fax (787) 729-8276
maricarmen.colon@firstbankpr.com

Attachment "A"

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15-07825-ESL	**ELISA ZAYAS ZAYAS** (xxx-xx-4255)	**HC 20 BOX 26375 • • SAN LORENZO • PR • 00754**	**$175.00 MO**	**Bar Date(s):**	**2/7/2016 (has passed) 4/2/2016 (has passed)**
				Confirmed:	**4/7/2016**
	Trustee: ALEJANDRO OLIVERAS RIVERA	**Attorney: ROBERTO FIGUEROA CARRASQUILLO***		**Case Status:**	**ACTIVE-INT 2 AUDIT**

Debtor Pay Schedules

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
11/4/2015	60.00	$175.00	MONTHLY	ELISA ZAYAS ZAYAS	10/6/2015	
11/4/2020	end of plan	$0.00	MONTHLY	ELISA ZAYAS ZAYAS	10/6/2015	

Forgive Information

Date	Amount	Description

Payments Expected for Step 1:

Period	Start Date	End Date	Payment Amount Expected	Total
1	11/4/2015	12/3/2015	$175.00	$175.00
2	12/4/2015	1/3/2016	$175.00	$350.00
3	1/4/2016	2/3/2016	$175.00	$525.00
4	2/4/2016	3/3/2016	$175.00	$700.00
5	3/4/2016	4/3/2016	$175.00	$875.00
6	4/4/2016	5/3/2016	$175.00	$1,050.00
7	5/4/2016	6/3/2016	$175.00	$1,225.00
8	6/4/2016	7/3/2016	$175.00	$1,400.00
9	7/4/2016	8/3/2016	$175.00	$1,575.00
10	8/4/2016	9/3/2016	$175.00	$1,750.00
11	9/4/2016	10/3/2016	$175.00	$1,925.00
12	10/4/2016	11/3/2016	$175.00	$2,100.00
13	11/4/2016	12/3/2016	$175.00	$2,275.00
14	12/4/2016	1/3/2017	$175.00	$2,450.00
15	1/4/2017	2/3/2017	$175.00	$2,625.00
16	2/4/2017	3/3/2017	$175.00	$2,800.00
17	3/4/2017	4/3/2017	$175.00	$2,975.00
18	4/4/2017	5/3/2017	$175.00	$3,150.00
19	5/4/2017	6/3/2017	$175.00	$3,325.00
20	6/4/2017	7/3/2017	$175.00	$3,500.00
21	7/4/2017	8/3/2017	$175.00	$3,675.00
22	8/4/2017	9/3/2017	$175.00	$3,850.00
23	9/4/2017	10/3/2017	$175.00	$4,025.00
24	10/4/2017	11/3/2017	$175.00	$4,200.00
25	11/4/2017	12/3/2017	$175.00	$4,375.00
26	12/4/2017	1/3/2018	$175.00	$4,550.00
27	1/4/2018	2/3/2018	$175.00	$4,725.00
28	2/4/2018	3/3/2018	$175.00	$4,900.00
29	3/4/2018	4/3/2018	$175.00	$5,075.00
30	4/4/2018	5/3/2018	$175.00	$5,250.00
31	5/4/2018	6/3/2018	$175.00	$5,425.00
32	6/4/2018	7/3/2018	$175.00	$5,600.00
33	7/4/2018	8/3/2018	$175.00	$5,775.00
34	8/4/2018	9/3/2018	$175.00	$5,950.00
35	9/4/2018	10/3/2018	$175.00	$6,125.00
36	10/4/2018	11/3/2018	$175.00	$6,300.00
37	11/4/2018	12/3/2018	$175.00	$6,475.00
Total				**$6,475.00**

Payments Expected for Step 2:

Period	Start Date	End Date	Payment Amount Expected	Total
1	11/4/2020	12/3/2020	$0.00	$0.00
Total				**$0.00**

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	11/2015	$175.00	$175.00		$0.00
2	12/2015	$175.00			$175.00
3	1/2016	$175.00	$175.00		$175.00
4	2/2016	$175.00	$175.00		$175.00
5	3/2016	$175.00	$175.00		$175.00
6	4/2016	$175.00	$175.00		$175.00
7	5/2016	$175.00	$175.00		$175.00
8	6/2016	$175.00	$175.00		$175.00
9	7/2016	$175.00	$175.00		$175.00
10	8/2016	$175.00	$175.00		$175.00
11	9/2016	$175.00	$175.00		$175.00
12	10/2016	$175.00	$175.00		$175.00
13	11/2016	$175.00			$350.00
14	12/2016	$175.00	$175.00		$350.00

Total Delinquent Amount: $350.00

Attachment "B"

FIRSTBANK

Analysis Sheet to Determine Arrears to Trustee

In Re	:	**Elisa Zayas Zayas**
Case Number	:	**15-07825**
Account Number	:	**4255 (moex)**
Date of File	:	**10/05/2015**
Amount of Proof of Claim	:	**4,411.11**
Plan	:	**175x60=10,500.00**
Monthly Payment of	:	**175.00**
Pass term	:	**14**
Total paid in to plan	:	**2,100.00**
Should have pain in to plan	:	**2,450.00**
Amount in arrears	:	**350.00 (2 arrears)**
Printed on	:	**12/28/2016**
Prepared by	:	**Sonia Santiago**

Department of Defense Manpower Data Center

Results as of : Dec-28-2016 01:12:42 PM

SCRA 3.0

Attachment "C"

Status Report
Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-4255

Birth Date:

Last Name: ZAYAS ZAYAS

First Name: ELISA

Middle Name:

Active Duty Status As Of: Dec-28-2016

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

Label Matrix for local noticing
0104-3
Case 15-07825-ESL13
District of Puerto Rico
Old San Juan
Wed Dec 28 14:20:36 AST 2016

RELIABLE FINANCIAL SERVICES
PO BOX 21382
SAN JUAN, PR 00928-1382

US Bankruptcy Court District of P.R.
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

Claro
PO Box 360998
San Juan, PR 00936-0998

Coop A/C Las Piedras
PO Box 414
Las Piedras, PR 00771-0414

EASTERN AMERICA INSURANCE CO
PO BOX 9023862
SAN JUAN, PR 00902-3862

First Federal Finance
PO Box 194499
San Juan, PR 00919-4499

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ALEJANDRO OLIVERAS RIVERA
ALEJANDRO OLIVERAS CHAPTER 13 TRUS
PO BOX 9024062
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ELISA ZAYAS ZAYAS
HC 20 BOX 26375
SAN LORENZO, PR 00754-9478

MONSITA LECAROZ ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

ROBERTO FIGUEROA CARRASQUILLO
PO BOX 186
CAGUAS, PR 00726-0186

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

(d)RELIABLE FINANCIAL SERVICES, INC.
P.O. BOX 21382
SAN JUAN, PR 00928-1382

End of Label Matrix

Mailable recipients	13
Bypassed recipients	0
Total	13